

IN THE CLAIMS

Kindly amend the claims as follows:

1. (Originally presented) A process for creating a controlled environment and encapsulation of the upper portion of a piling and associated header normally positioned about the high water mark, but subjected to intermittent flooding and therefore attack from marine infestation, comprising the steps of:

a. encapsulating the upper portion of the piling and associated header with a spray foam in a thickness of from 30 to 250 mils, said foam comprising a mixture of isocyanate, up to about 20 percent by weight  $\text{CHClF}_2$ , up to about 2 percent by weight of water and a combination of polyols having an average OH number of from about 300 to 500 and comprising polyalkoxylated glycerine having an OH number of from about 200 to about 300 in which the alkoxy groups each have from 2 to about 3 carbon atoms;

b. allowing the spray foam to set; and

c. performing the aforesaid steps when the water level is below its high water level.

2. (Currently amended) The process in accordance with Claim 1 wherein said process ~~if~~ is performed on said upper portion of said piling and said associated header after said submerged portion of said piling has been suitably jacketed, ~~and~~ said jacketed process comprising the steps of: ~~has been injected with the foam of the present invention in accordance with the~~

~~teachings of U.S. Patent 5,919,004 or 5,829,920.~~

a. providing a tubular jacket about said pile, said tubular jacket having a lower end secured about said pile proximate its position in an underlying strata beneath a bed of water, said tubular jacket having an upper end secured about said pile proximate the mean high water mark of said body of water, thereby forming an annular enclosed space between said pile and said jacket; and

b. forming a first aperture proximate said upper end of said jacket; and

c. injecting foam into said first aperture, said foam filling said annular space between said pile and said jacket, proximate said upper end of said jacket said foam comprising a mixture of isocyanate, up to about 20% by weight  $\text{CHClF}_2$ , up to about 2% by weight of water and a combination of polyols having an average OH number of from about 300 to 500 and comprising polyalkoxylated glycerine having an OH number of from about 200 to about 300 in which the alkoxy groups each have from 2 to about 3 carbon atoms; and

d. forming successive apertures below said first aperture and successively injecting foam into said apertures to fill said annular space between said pile and said jacket from said upper end of said jacket to said lower end of said jacket; and

e. allow said foam to set.

#### APPLICANT'S INVENTION

A method of encapsulation of the upper portion of a piling and header associated with a wharf, pier or the like, whereby this upper portion of the piling and header while normally above the high tide mark is often subjected to submergents due to climatic condition and requires encapsulation by the composition of matter disclosed to prevent attack from marine microorganisms or marine borers.

# THE REJECTION

The drawings are objected to. The references cited must be submitted in the form of an information disclosure statement.

Claim 2 is rejected under 35 U.S.C. §112 for being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1 and 2 are rejected under 35 U.S.C. §103(a) as being unpatentable over Doleshal, Watts, Jr., Christenson and Wilson.

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